

LAW OFFICE
THOMAS F. MCFARLAND, PC.
208 SOUTH LASALLE STREET - SUITE 1890
CHICAGO, ILLINOIS 60604-1112
TELEPHONE (312) 236-0204
FAX (312) 201-9695
mcfarland@aol.com



THOMAS F. MCFARLAND

June 8, 2006

By UPS overnight mail

Vernon A. Williams, Secretary
Surface Transportation Board
Case Control Unit, Suite 713
1925 K Street, N.W.
Washington, DC 20423-0001

Re: STB Docket No. AB-33 (Sub-No. 242X), *Union Pacific Railroad Company --
Abandonment Exemption -- in Montgomery County, KS*

STB Docket No. AB-471 (Sub-No. 7X), *South Kansas & Oklahoma Railroad,
Inc. -- Discontinuance of Service Exemption -- in Montgomery County, KS*

Dear Mr. Williams:

Enclosed please find an original and 10 copies of Verified Notice of Exemption Under 49 C.F.R. § 1152.50, for filing with the Board in the above referenced matters.

FILED

JUN 9 2006

SURFACE
TRANSPORTATION BOARD

Very truly yours,

Tom McFarland

Thomas F. McFarland

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ENTERED
Office of Proceedings

JUN 9 2006

Part of
Public Record

FEE RECEIVED

JUN 9 2006

SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

UNION PACIFIC RAILROAD
COMPANY -- ABANDONMENT
EXEMPTION -- IN MONTGOMERY
COUNTY, KS

)
) DOCKET NO. AB-33
) (SUB-NO. 242X)
)

SOUTH KANSAS & OKLAHOMA
RAILROAD, INC. -- DISCONTINUANCE
OF SERVICE EXEMPTION -- IN
MONTGOMERY COUNTY, KS

)
) DOCKET NO. AB-471
) (SUB-NO. 7X)
)



**VERIFIED NOTICE OF EXEMPTION
UNDER 49 C.F.R. § 1152.50**

UNION PACIFIC RAILROAD COMPANY
1400 Douglas Street
Omaha, NE 68179

SOUTH KANSAS & OKLAHOMA
RAILROAD COMPANY, INC.
123 North Depot Street
Cherryville, KS 67335

Applicants

MACK H. SHUMATE, JR.
Senior General Attorney
Union Pacific Railroad Company
101 North Wacker Drive, Suite 1920
Chicago, IL 60606-1718

THOMAS F. McFARLAND
THOMAS F. McFARLAND, P.C.
208 South LaSalle Street, Suite 1890
Chicago, IL 60604-1112
(312) 236-0204

Attorneys for Applicants

DATE FILED: June 9, 2006

BEFORE THE
SURFACE TRANSPORTATION BOARD

UNION PACIFIC RAILROAD)	
COMPANY -- ABANDONMENT	)	DOCKET NO. AB-33
EXEMPTION -- IN MONTGOMERY	)	(SUB-NO. 242X)
COUNTY, KS)	
)	
SOUTH KANSAS & OKLAHOMA)	
RAILROAD, INC. -- DISCONTINUANCE	)	DOCKET NO. AB-471
OF SERVICE EXEMPTION -- IN	)	(SUB-NO. 7X)
MONTGOMERY COUNTY, KS)	

**VERIFIED NOTICE OF EXEMPTION
UNDER 49 C.F.R. § 1152.50**

Pursuant to 49 C.F.R. § 1152.50, UNION PACIFIC RAILROAD COMPANY (UP) provides notice of an exemption for abandonment of (1) its rail line between Milepost 166.0 at the west bank of the Verdigris River and Milepost 166.6 at the west edge of Sunflower Road; and (2) that portion of UP's railroad easement between Milepost 166.6 at the west edge of Sunflower Road and Milepost 166.8 at the west edge of Linden Street, a total distance of approximately 0.8 miles near Coffeyville, Montgomery County, Kansas (collectively, the "Rail Line"). SOUTH KANSAS & OKLAHOMA RAILROAD, INC. (SKOL) hereby provides notice of an exemption for its discontinuance of rail service over that line pursuant to a lease from UP.

The portion of the Rail Line over which UP has a railroad easement is located within the refinery of Coffeyville Resources Refining & Marketing, LLC (the Refinery Company). The Refinery Company owns the right-of-way land and track materials within that portion of the Rail

Line. By lease effective December 10, 1990, UP leased the Rail Line and adjacent trackage to Southeast Kansas Railway Company (SEKR). Subsequently, SEKR was merged into SKOL.

Responses to 49 C.F.R. § 1152.50(d)(2):

1. *Proposed consummation date*

The proposed consummation date of this abandonment will be at least 50 days from the filing date of June 9, 2005, which will be July 29, 2006.

2. *Certification required in Section 1152.50(b).*

The required certifications by UP and SKOL are set forth as Appendix 2 to this Notice of Exemption.

3. *Information required in Section 1152.22(a)(1)-(4), (7), (8), and (e)(4):*

a. *General*

(1) *Exact name of Applicants:*

Union Pacific Railroad Company (UP) and South Kansas & Oklahoma Railroad, Inc.

(2) *Whether Applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, chapter 105.*

Applicants are common carriers by railroad subject to 49 U.S.C. Subtitle IV, chapter 105.

(3) *Relief sought (abandonment of line or discontinuance of service).*

Abandonment by UP; Discontinuance of service by SKOL.

(4) *A detailed map depicting the line proposed for abandonment.*

See Appendix 1.

- (7) *Name, title and address of representative of Applicant to whom correspondence should be sent:*

Thomas F. McFarland
Thomas F. McFarland, P.C.
208 South LaSalle Street
Suite 1890
Chicago, IL 60604-1112
(312) 236-0204

for SKOL

Mack H. Shumate, Jr.
Union Pacific Railroad Company
101 North Wacker Drive
Suite 1920
Chicago, IL 60606-1718
(312) 777-2055

for UP

- (8) *List of all United States Postal Zip Codes that the line proposed for abandonment traverses:*

The line traverses United States Postal Service Zip Code 67337, near Coffeyville, Kansas.

- (e) *Rural and community impact.*

- (4) *Statement of whether the properties proposed to be abandoned are appropriate for use for other public purposes, including roads or highways, other forms of mass transportation, conservation, energy production or transmission, or recreation. If the applicant is aware of any restriction on the title to the property, including any reversionary interest, which would affect the transfer of title or the use of the property for other than rail purposes, this shall be disclosed.*

The right-of-way land within the refinery is not suitable for alternative public use because that land is owned by the Refinery Company, which intends to make private nonrail use of that land. The land proposed for abandonment is reversionary, acquired via Condemnation August 18, 1886. Based on information in the possession of UP and SKOL, the Rail Line does not contain federally granted right of way. Any document in the possession of UP and SKOL will be made available to those requesting it.

In the opinion of UP and SKOL, the property proposed for abandonment is not suitable for public purposes including roads or highways, other forms of mass transportation, conservation, energy production or transmission, as the area is adequately served by existing roads and utility lines at the present time.

4. *Federally granted right of way.*

To the best of Applicants' knowledge, the right of way does not consist of any federally granted lands. Any documentation in Applicants' possession shall be made available promptly to those requesting it.

5. *The level of labor protection.*

Applicants understand that, in exempting the proposed abandonment, the Board cannot relieve a carrier of its statutory obligation to protect the interests of employees. See 49 C.F.R. § 1152.50(c). Accordingly, Applicants anticipate that the Board will impose the conditions set forth in *Oregon Short Line R. Co. - Abandonment - Goshen*, 360 I.C.C. 91 (1979), for the benefit of any employee who may be adversely affected by the proposed abandonment.

6. *Certificate of compliance with the notice requirements of Sections 1152.50(d)(1) and 1105.11 and the newspaper publication requirements of Section 1105.12.*

The required certificate is set forth as Appendix 3 to this Notice of Exemption.

7. *Environmental and Historic Reports.*

A combined Environmental and Historic Report is attached to this Notice of Exemption as Appendix 4. Environmental comments received in response to the Draft Report are attached as Appendix 5.

8. *Verification.*

The required verification is set forth as Appendix 6 to this Notice of Exemption.

Respectfully submitted,

UNION PACIFIC RAILROAD COMPANY
1400 Douglas Street
Omaha, NE 68179

SOUTH KANSAS & OKLAHOMA
RAILROAD COMPANY, INC.
123 North Depot Street
Cherryville, KS 67335

Applicants

Mack H. Shumate, Jr. TM

MACK H. SHUMATE, JR.
Senior General Attorney
Union Pacific Railroad Company
101 North Wacker Drive, Suite 1920
Chicago, IL 60606-1718

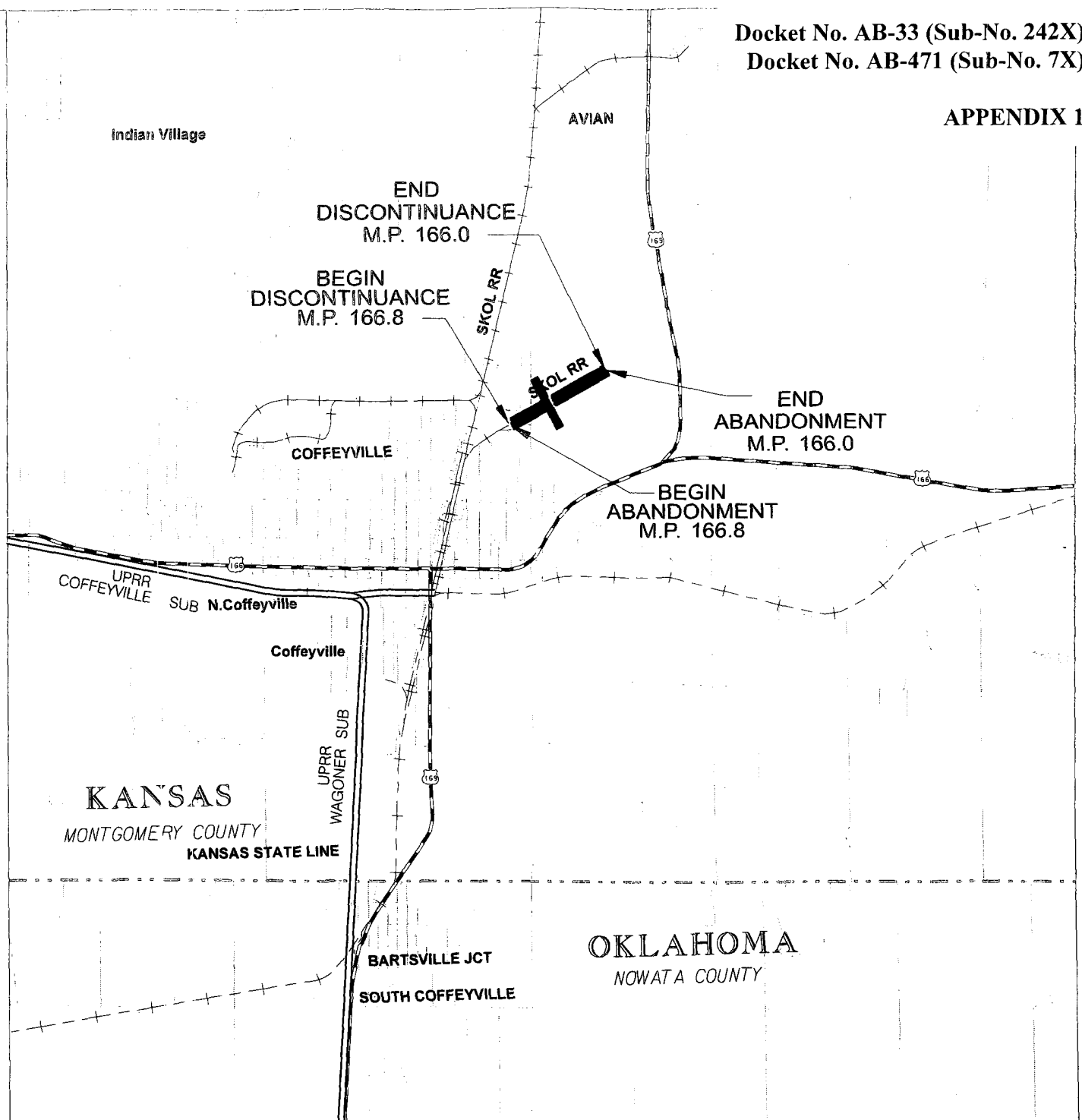
Thomas F. McFarland

THOMAS F. McFARLAND
THOMAS F. McFARLAND, P.C.
208 South LaSalle Street, Suite 1890
Chicago, IL 60604-1112
(312) 236-0204

Attorneys for Applicants

DATE FILED: June 9, 2006

APPENDIX 1



BRIDGE NO.	BRIDGE TYPE	TOTAL LENGTH	DATE
166.5	7 SPAN TIMBER PILE TREXLE OPEN DECK (TPTOD)	93'	1943

LEGEND

- UPRR LINES TO BE ABANDONED
- OTHER UPRR LINES
- OTHER RAILROADS
- RAILROADS (abandoned)
- PRINCIPAL HIGHWAYS
- OTHER ROADS
- 50+ YEAR OLD STRUCTURES

OLD COFFEYVILLE SUBDIVISION

MP 166.8 TO MP 166.0
TOTAL OF 0.8 MILES IN MONTGOMERY COUNTY

UNION PACIFIC RAILROAD CO.
SOUTH KANSAS & OKLAHOMA RAILROAD
LESSEE

INCLUDING 50+ YEAR OLD STRUCTURES

SCALE MILES

Docket No. AB-33 (Sub-No. 242X)
Docket No. AB-471 (Sub-No. 7X)

APPENDIX 2

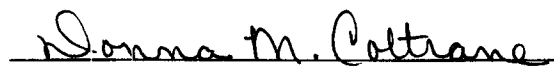
STATE OF NEBRASKA)
) SS:
COUNTY OF DOUGLAS)

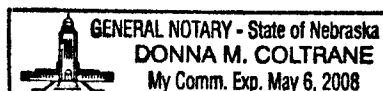
CERTIFICATION PURSUANT TO 49 C.F.R. 1152.50(b)

The undersigned, Senior Manager Rail Line Planning of Union Pacific Railroad Company (UP), hereby certifies, in regard to a rail line between Milepost 166.0 at the west bank of the Verdigris River and Milepost 166.8 at the west edge of Linden Street, a distance of approximately 0.8 miles near Coffeyville, Montgomery County, Kansas, that no local traffic has moved over the line for at least two years; that no overhead traffic has moved over the line for at least two years; and that no formal complaint filed by a user of rail service on the line (or a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Board or any U.S. District Court or has been decided in favor of the complainant within the two-year period.


RAYMOND E. ALLAMONG, JR.

SUBSCRIBED and SWORN
to before me this 31st day of
May, 2006.


Notary Public



Docket No. AB-33 (Sub-No. 242X)
Docket No. AB-471 (Sub-No. 7X)

APPENDIX 2

STATE OF KANSAS)
) SS:
COUNTY OF CRAWFORD)

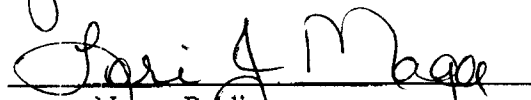
CERTIFICATION PURSUANT TO 49 C.F.R. 1152.50(b)

The undersigned, General Counsel of South Kansas & Oklahoma Railroad, Inc. (SKOL), hereby certifies, in regard to a rail line between Milepost 166.0 at the west bank of the Verdigris River and Milepost 166.8 at the west edge of Linden Street, a distance of approximately 0.8 miles near Coffeyville, Montgomery County, Kansas, that no local traffic has moved over the line for at least two years; that no overhead traffic has moved over the line for at least two years; and that no formal complaint filed by a user of rail service on the line (or a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Board or any U.S. District Court or has been decided in favor of the complainant within the two-year period.



CRAIG RICHEY

SUBSCRIBED and SWORN
to before me this 5th day of
June, 2006.



Notary Public
exp. 8-16-08

APPENDIX 3

**CERTIFICATION OF COMPLIANCE WITH THE
NEWSPAPER PUBLICATION REQUIREMENTS
OF SECTION 49 C.F.R. § 1105.12**

The undersigned certifies that a notice of the proposed exemption was timely sent to the parties required to be notified under 49 C.F.R. § 1152.50(d)(1) and 49 C.F.R. § 1105.11; and that "Notice of Intent To Abandon Rail Line And Discontinue Rail Service" was published in the form prescribed by the Board for out of service abandonment exemptions. The notice was published one time in the following newspaper of general circulation in Montgomery County, Kansas (copy attached).

Newspaper

Date

The Coffeyville Journal

May 19, 2006

Thomas F. McFarland

THOMAS F. McFARLAND

STATE OF KANSAS, }
Montgomery County } SS.

Affidavit of Publication

(First published in The Coffeyville Journal on Friday, May 19, 2006)

NOTICE OF INTENT TO ABANDON RAIL LINE AND DISCONTINUE RAIL SERVICE

UNION PACIFIC RAILROAD COMPANY (UP) and SOUTH KANSAS & OKLAHOMA RAILROAD, INC. (SKOL) give notice that on or about June 9, 2006 they intend to file with the Surface Transportation Board, Washington, DC 20423, Notices for Exemption under 49 C.F.R. § 1152 for (A) abandonment by UP of: (1) its rail line between Milepost 166.0 at the west bank of the Verdigris River and Milepost 166.6 at the west edge of Sunflower Road; and (2) that portion of its railroad easement between Milepost 166.6 at the west edge of Sunflower Road and Milepost 166.8 at the west edge of Linden Street, a total distance of approximately 0.8 miles near Coffeyville, KS ("the Rail Line"); and (B) discontinuance of rail service by SKOL who operates over the Rail Line pursuant to a lease with UP effective December 10, 1990. The Rail Line traverses through United States Postal Zip Code 67337 in Montgomery County, KS. The proceedings have been docketed as STB Docket No. AB33 (Sub-No. 242X) as to the proposed exemption for abandonment by UP, and STB Docket No. AB-471 (Sub-No. 7X) as to the proposed exemption for discontinuance of rail service by SKOL.

The Board's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice for abandonment exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to SEA, Surface Transportation Board, Washington, DC 20423 or by calling SEA at 202-565-6211.

Appropriate offers of financial assistance to continue rail service can be filed with the Board.

Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Office of the Secretary, 1925 K Street, N.W., Washington, DC 20423 (See 49 C.F.R. 1104.1(a) and 1104.3(a)), and one copy must be served on applicant's representative (See 49 C.F.R. 1104.12(a)). Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Congressional and Public Services at 202-565-1592. Copies of any comments or requests for conditions should be served on the applicant's representative, Thomas F. McFarland, Thomas F. McFarland, P.C., 208 South LaSalle Street, Suite 1890, Chicago, IL 60604-1112.

Lola Cowan
Classified Rep
Of lawful age, being first duly sworn, deposes, and says, that he is of THE COFFEYVILLE JOURNAL, that same is a daily newspaper; that said newspaper prior to the date of the first publication of notice hereinafter referred to and at the present time was and now is admitted to the mail as second class matter in Montgomery County, Kansas. That said newspaper is of general circulation in said County and has been continuously and uninterruptedly published in said county during the period of one year prior to the first publication hereinafter mentioned; that the notice, a true copy of which is hereto attached, was published in the regular and entire issue of each number of said newspaper for


One consecutive Friday

The first publication being May 19 2006

And the last publication being May 19 2006
And further affiant saith not.

Subscribed and sworn to before me this 22nd day of

May, 06


Notary Public.

My Appointment Expires March 26, 09

Printer's Fee \$ 60.12 Paid 5-22-06

APPENDIX 4

LAW OFFICE
THOMAS F. MCFARLAND, P.C.
208 SOUTH LASALLE STREET - SUITE 1890
CHICAGO, ILLINOIS 60604-1112
TELEPHONE (312) 236-0204
FAX (312) 201-9695
mcfarland@aol.com

THOMAS F. MCFARLAND

May 16, 2006

State Clearinghouse (or alternate):

Kansas Department of Transportation
Dwight D. Eisenhower State Office Building
700 S.W. Harrison Street
Topeka, KS 66603-3754

Kansas Corporation Commission
1500 SW Arrowhead Road
Topeka, KS 66604-4027

State Environmental Protection Agency:

Kansas Department of Health and Environment
Curtis State Office Building
1000 SW Jackson
Topeka, KS 66612

**State Coastal Zone Management Agency
(if applicable):**

Not Applicable

Head of County (Planning):

Montgomery County Commissioners
217 E Myrtle, PO Box 446
County Courthouse
Independence, KS 67301-3758

**Environmental Protection Agency
(regional office):**

U.S. Environmental Protection Agency
Region 7
901 North 5th Street
Kansas City, KS 66101

U.S. Fish and Wildlife:

U.S. Fish & Wildlife Service, Region 6
134 Union Blvd.
Lakewood, CO 80228

U.S. Army Corps of Engineers:

U.S. Army Engineer Division - Tulsa District
1645 S. 101st E. Ave.
Tulsa, OK 74128-4609

National Park Service:

National Park Service
William D. Shaddox
Chief, Land Resources Division
1849 "C" St., N.W., #MS3540
Washington, DC 20240

U.S. Natural Resources Conservation Service:

Natural Resource Conservation Service
760 South Broadway
Salina, KS 67401

National Geodetic Survey:

National Geodetic Survey
Edward J. McKay, Chief
Spatial Reference System Division
NOAA N/NGS2
1315 E-W Highway
Silver Springs, MD 20910-3282

State Historic Preservation Office:

Kansas State Historical Society
6425 SW Sixth Avenue
Topeka, KS 66615

Other Agencies Consulted:

Wildlife & Parks Department
900 Southwest Jackson Street, #502N
Topeka, KS 66612

Water Resources Division
921 S. Kansas Ave., Fl. 2
Topeka, KS 66612

Re: STB Docket No. AB-33 (Sub-No. 242X), *Union Pacific Railroad Company --
Abandonment Exemption -- in Montgomery County, KS*

STB Docket No. AB-471 (Sub-No. 7X), *South Kansas & Oklahoma Railroad,
Inc. -- Discontinuance of Service Exemption -- in Montgomery County, KS*

THOMAS F. MCFARLAND

May 16, 2006

Page 2

Dear Sirs:

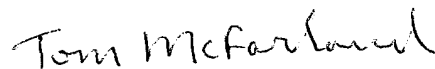
On or about June 9, 2006, Union Pacific Railroad Company (UP) and South Kansas & Oklahoma Railroad, Inc. (SKOL) are filing with the Surface Transportation Board Notices for Exemption under 49 C.F.R. § 1152 for (A) abandonment by UP of: (1) its rail line between Milepost 166.0 at the west bank of the Verdigris River and Milepost 166.6 at the west edge of Sunflower Road; and (2) that portion of its railroad easement between Milepost 166.6 at the west edge of Sunflower Road and Milepost 166.8 at the west edge of Linden Street, a total distance of approximately 0.8 miles near Coffeyville, KS; and (B) discontinuance of rail service by SKOL who operates over the Rail Line pursuant to a lease with UP effective December 10, 1990.

Attached is an Environmental and Historic Report describing the proposed action and any expected environment and historic effects, as well as a map of the affected area.

This report is being provided so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, 1925 K Street, N.W., Washington, DC 20423, 202-565-6211 and refer to the above Docket No. AB-33 (Sub-No. 242X) and Docket No. AB-471 (Sub-No. 7X). Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to our representative) would be appreciated within 3 weeks.

Your comments will be considered by the Board in evaluating the environmental and historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact our representative directly. Our representative in this matter is Thomas F. McFarland, Thomas F. McFarland, P.C., 208 South LaSalle Street, Suite 1890, Chicago, IL 60604-1112, (312) 236-0204.

Very truly yours,



Thomas F. McFarland

TMcF:kl:enc:1163\tragencies1

BEFORE THE
SURFACE TRANSPORTATION BOARD

UNION PACIFIC RAILROAD)	
COMPANY -- ABANDONMENT	)	DOCKET NO. AB-33
EXEMPTION -- IN MONTGOMERY	)	(SUB-NO. 242X)
COUNTY, KS)	
)	
SOUTH KANSAS & OKLAHOMA)	
RAILROAD, INC. -- DISCONTINUANCE	)	DOCKET NO. AB-471
OF SERVICE EXEMPTION -- IN	)	(SUB-NO. 7X)
MONTGOMERY COUNTY, KS)	

**DRAFT ENVIRONMENTAL
AND HISTORIC REPORT**

UNION PACIFIC RAILROAD COMPANY
1400 Douglas Street
Omaha, NE 68179

SOUTH KANSAS & OKLAHOMA
RAILROAD COMPANY, INC.
123 North Depot Street
Cherryville, KS 67335

Applicants

MACK H. SHUMATE, JR.
Senior General Attorney
Union Pacific Railroad Company
101 North Wacker Drive, Suite 1920
Chicago, IL 60606-1718

THOMAS F. McFARLAND
THOMAS F. McFARLAND, P.C.
208 South LaSalle Street, Suite 1890
Chicago, IL 60604-1112
(312) 236-0204

Attorneys for Applicants

DATED: May16, 2006

BEFORE THE
SURFACE TRANSPORTATION BOARD

UNION PACIFIC RAILROAD)	
COMPANY -- ABANDONMENT	)	DOCKET NO. AB-33
EXEMPTION -- IN MONTGOMERY	)	(SUB-NO. 242X)
COUNTY, KS)	
)	
SOUTH KANSAS & OKLAHOMA)	
RAILROAD, INC. -- DISCONTINUANCE	)	DOCKET NO. AB-471
OF SERVICE EXEMPTION -- IN	)	(SUB-NO. 7X)
MONTGOMERY COUNTY, KS)	

**DRAFT ENVIRONMENTAL
AND HISTORIC REPORT**

On or about June 9, 2006, Union Pacific Railroad Company (UP) will file with the Surface Transportation Board (STB) a Notice of Exemption for abandonment of (1) its rail line between Milepost 166.0 at the west bank of the Verdigris River and Milepost 166.6 at the west edge of Sunflower Road; and (2) that portion of UP's railroad easement between Milepost 166.6 at the west edge of Sunflower Road and Milepost 166.8 at the west edge of Linden Street, a total distance of approximately 0.8 miles near Coffeyville, Montgomery County, Kansas (collectively, the "Rail Line"). The portion of the Rail Line over which UP has a railroad easement is located within the refinery of Coffeyville Resources Refining & Marketing, LLC (the Refinery Company). The Refinery Company owns the right-of-way land and track materials within that portion of the Rail Line. By lease effective December 10, 1990 (the "Lease"), UP leased the Rail

Line and other trackage to South Kansas & Oklahoma RR, Inc. (SKOL).^{1/} UP is terminating the Lease with regard to the Rail Line. SKOL is filing its own Notice of Exemption for discontinuance of its rail service pursuant to that Lease.

As part of its processing of the Notices of Exemption, the STB is required to make findings regarding the effect of the proposed abandonment and discontinuance of rail service on (1) the quality of the human environment and (2) historic properties. Pursuant to STB regulations, the rail carriers filing Notices of Exemption are required to prepare a Draft Environmental and Historic Report (Report) containing their assessment of the environmental and historic effects of the proposed abandonment and discontinuance of rail service. The rail carriers are required to send copies of the Report to specified agencies of federal, state and local governments having jurisdiction over environmental and historic matters. Those agencies are encouraged to provide comments to the STB on the Draft Report and/or on any other environmental and historic effects of the proposed abandonment and discontinuance of service. This is the Draft Environmental and Historic Report in this matter.

I. Environment Report

Information Required By 49 C.F.R. § 1105.7

(1) Proposed action and alternatives. Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

^{1/} The UP lease originally was with Southeast Kansas Railway Company (SEKR). SEKR later was merged into SKOL.

The proposed action is: (A) abandonment by UP of: (1) its rail line between Milepost 166.0 at the west bank of the Verdigris River and Milepost 166.6 at the west edge of Sunflower Road; and (2) its railroad easement between Milepost 166.6 at the west edge of Sunflower Road and Milepost 166.8 at the west edge of Linden Street, a total distance of approximately 0.8 miles at or near Coffeyville, Montgomery County, KS (the "Rail Line"); and (B) discontinuance of rail service over the Rail Line by SKOL which is operated by SKOL subject to the Lease as hereinbefore defined.

The right-of-way land and track materials in the Rail Line are owned by Coffeyville Resources Refining & Marketing, LLC (the Refinery Company) in the portion of Rail Line that is located within its refinery between Milepost Nos. 166.6 and 166.8 (between the west edge of Sunflower Road and the west edge of Linden Street), and by UP in the portion of the Rail Line between Milepost Nos. 166.0 and 166.6 (between the Verdigris River and the west edge of Sunflower Road). The track materials in the Rail Line will be removed and salvaged by the Refinery Company and by UP in their respective portions of the Rail Line. The Refinery Company will retain the right-of-way land within the refinery for nonrail use. UP will dispose of the right-of-way land outside the refinery for nonrail use.

There will be no changes in current operations or maintenance practices as a result of the proposed abandonment and discontinuance of rail service inasmuch as the Rail Line has not been used for rail transportation of any commodities for more than two years prior to the filing of the Notices of Exemption.

There is no reasonable alternative to the proposed abandonment and discontinuance of rail service inasmuch as there is no reasonable prospect for rail transportation of commodities to

or from the Rail Line, nor for the sale of the Line for continued rail use. A "no-action" alternative would cause unwarranted opportunity costs to be incurred by UP and the Refinery Company.

Attached to this Report as Appendix 1 is a copy of a readable, detailed map and drawing clearly delineating the Rail Line proposed for abandonment and discontinuance of rail service.

(2) Transportation system. Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

UP and SKOL believe that the proposed abandonment and discontinuance of rail service will not have any effect on regional or local transportation systems or patterns inasmuch as the Rail Line has not been used for rail transportation of any kind for more than two years prior to the filing of the Notices of Exemption. In view of the absence of any such rail transportation during that time, no passenger or freight traffic will be diverted as a result of the proposed abandonment and discontinuance of rail service.

(3) Land use. (i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

UP and SKOL believe that the proposed abandonment and discontinuance of rail service will be consistent with existing land use plans. As noted, a significant portion of the Rail Line is located within a refinery. It is likely that conversion of right-of-way land within that refinery to nonrail use by the Refinery Company would be consistent with local and/or regional land use plans. It is likely that conversion of the right-of-way land outside the refinery to nonrail use would be consistent with regional and/or local land use plans. As required by this regulation, UP and SKOL have consulted on this subject by letters directed to the Planning Department of

Montgomery County. See Appendix 2 attached to this Report. No responses to that letter have been received to date.

(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.

UP and SKOL believe that the proposed abandonment and discontinuance of service will not have any effect on prime agricultural land. There is no prime agricultural land within the refinery, nor is there believed to be prime agricultural land located outside the refinery. As required by this regulation, UP and SKOL have consulted on this subject by letter directed to the United States Department of Agriculture, Natural Resources Conservation Service (successor of the U.S. Soil Conservation Service) (Appendix 2). No response to that letter has been received to date.

(iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by Sec. 1105.9.

Not applicable. The Rail Line is not located within a designated coastal zone.

(iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. 10906 and explain why.

The right-of-way land within the refinery is not suitable for alternative public use because that land is owned by the Refinery Company, which intends to make private nonrail use of that land. The land proposed for abandonment is reversionary, acquired via Condemnation August 18, 1886. Based on information in the possession of UP and SKOL, the Rail Line does not contain federally granted right of way. Any document in the possession of UP and SKOL will be made available to those requesting it.

In the opinion of UP and SKOL, the property proposed for abandonment is not suitable for public purposes including roads or highways, other forms of mass transportation, conservation, energy production or transmission, as the area is adequately served by existing roads and utility lines at the present time.

(4) Energy. (i) Describe the effect of the proposed action on transportation of energy resources.

The proposed abandonment and discontinuance of rail service will have no effect on the transportation of energy resources.

(ii) Describe the effect of the proposed action on recyclable commodities.

The proposed abandonment and discontinuance of rail service will have no effect on recyclable commodities.

(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

The proposed abandonment and discontinuance of rail service will result in neither an increase nor decrease in energy efficiency inasmuch as the Rail Line has not been used for rail transportation for more than two years prior to the filing of the Notices of Exemption.

(iv) If the proposed action will cause diversions from rail to motor carriage of more than: (A) 1,000 rail carloads a year; or (B) An average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given. To minimize the production of repetitive data, the information on overall energy efficiency in Sec. 1105.7(e)(4)(iii) need not be supplied if the more detailed information in Sec. 1105.7(e)(4)(iv) is required.

Not applicable. Inasmuch as the Rail Line is not being used for rail transportation, the specified diversion thresholds will not be met.

(5) Air. (i) If the proposed action will result in either: (A) An increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains a

day on any segment of rail line affected by the proposal, or (B) An increase in rail yard activity of at least 100 percent (measured by carload activity), or (C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions. For a proposal under 49 U.S.C. 10901 (or 10502) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in subsection (5)(i)(A) will apply.

The proposed abandonment and discontinuance of rail service will not result in meeting or exceeding the specified thresholds.

(ii) If the proposed action affects a class I or nonattainment area under the Clean Air Act, and will result in either: (A) An increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, (B) An increase in rail yard activity of at least 20 percent (measured by carload activity), or (C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan. However, for a rail construction under 49 U.S.C. 10901 (or 49 U.S.C. 10502), or a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply.

The proposed abandonment and discontinuance of rail service will not result in meeting or exceeding the specified thresholds.

(iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

Transportation of ozone-depleting materials is not contemplated.

(6) Noise. If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause: (i) An incremental increase in noise levels of three decibels Ldn or more; or (ii) An increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.

No applicable.

(7) Safety. (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

The proposed abandonment and discontinuance of rail service will have a beneficial effect on public health and safety inasmuch as at grade crossings at Sunflower Road and Linden Street will be eliminated.

(ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.

The proposed abandonment and discontinuance of rail service will not affect the transportation of hazardous materials.

(iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

UP and SKOL are not aware of any hazardous materials waste sites or sites where hazardous materials spills have occurred on or along the rail corridor of the Rail Line.

(8) Biological resources. (i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

UP and SKOL believe that the proposed abandonment and discontinuance of rail service is not likely to adversely affect endangered or threatened species or areas designated as critical habitats. As required by this regulation, UP and SKOL have consulted on this subject by letter directed to the U.S. Fish and Wildlife Service (Appendix 2). No response to that letter has been received to date.

(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

UP and SKOL believe that there are no wildlife sanctuaries or refuges, nor National or State parks or forests that will be affected by the proposed abandonment and discontinuance of rail service. As required by this regulation, UP and SKOL have consulted on this subject by letter directed to the National Park Service. (Appendix 2). No response to that letter has been received to date.

(9) Water. (i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

UP and SKOL believe that the proposed abandonment and discontinuance of rail service will be consistent with applicable Federal, State or local water quality standards. As required by this regulation, UP and SKOL have consulted on this subject by letter directed to the Kansas Water Resources Division. (Appendix 2).

Attached to this Report as Appendix 3 is a copy of a letter from the Kansas Department of Agriculture, Division of Water Resources, dated May 9, 2006, stating that no authorization is required from State water quality officials in relation to the proposed abandonment.

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

UP and SKOL believe that no permits under Section 404 of the Clean Water Act are required for the proposed abandonment and discontinuance of rail service, nor will designated wetlands or 100-year flood plains be affected by those actions. As required by this regulation,

UP and SKOL have consulted on these subjects by letter direct to the U.S. Army Corps of Engineers. (Appendix 2). No response to that letter has been received to date.

(iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required.)

UP and SKOL believe that no permits under Section 402 of the Clean Water Act are required for the proposed abandonment and discontinuance of rail service. As required by this regulation, UP and SKOL have consulted on this subject by letter directed to the U.S. Army Corps of Engineers. (Appendix 2).

(10) Proposed Mitigation. Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

Not applicable.

II. Historic Report

Information Required By 49 C.F.R. § 1105.8

(1) A U.S.G.S. topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action;

A U.S.G.S. topographic map showing the location of the Rail Line and the location of a bridge on that Line that is at least 50 years old is attached as Appendix 4.

(2) A written description of the right-of-way (including approximate widths, to the extent known), and the topography and urban and/or rural characteristics of the surrounding area;

The right-of-way of the Rail Line is generally 100 feet wide and 0.8 miles long. The following is a description of the Line from west to east: The line begins at the west edge of Linden Street within the refinery of Coffeyville Resources Refining & Marketing, LLC (the

Refinery Company). The Line exits from the refinery at Sunflower Road. The Line dead-ends at the west bank of the Verdigris River. All of the foregoing locations are near the City of Coffeyville, Montgomery County, Kansas. The topography of the surrounding area is generally flat. The western portion of the Line is characterized by industrial use (refinery). The eastern portion of the Line is open land to the Verdigris River.

(3) Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area;

Attached as Appendix 5 are photographs of the bridge on the Rail Line at Milepost 166.5. That bridge is the only structure on the Line that is 50 years old or older. The photograph shows that the bridge is a short wooden structure that does not appear to have historical significance.

(4) The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations, to the extent such information is known;

The bridge at Milepost 166.5 was constructed in 1943. The dates of any major alterations of that bridge are not known.

(5) A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action;

The Rail Line originally was part of a main line of the Missouri-Kansas-Texas Railroad Company (M-K-T) between Fort Scott, Kansas and Oklahoma City, Oklahoma. M-K-T became a part of the UP system in 1988. UP leased the Rail Line to Southeast Kansas Railway Company (SEKR) in 1990. SKOL succeeded SEKR by merger as lessee of the Rail Line in 2000. The portion of the Rail Line within the refinery will be removed and converted to nonrail use as a result of the proposed abandonment and discontinuance of rail service. The portion of the Rail Line east of the refinery will be put to a nonrail use by UP.

(6) A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic;

Other than the photographs attached as Appendix 5, UP and SKOL do not have additional documentation in their possession that would further assist in documenting the bridge at Milepost 166.5.

(7) An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 CFR 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities);

UP and SKOL believe that neither the bridge at Milepost 166.5 nor the Rail Line itself is unusual or noteworthy as to warrant inclusion in the National Register of Historical Places. UP and SKOL believe that there are no archeological resources or other railroad-related historic properties in the project area.

(8) A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain.

UP and SKOL believe that there are no existing records as to the nature of any subsurface ground disturbance or fill, or environmental conditions that might affect the archeological recovery of any potential historic resources. However, the original construction and subsequent maintenance of the Rail Line would by necessity have included subsurface ground disturbances.

(9) Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specified nonrailroad owned properties or groups of properties immediately adjacent to the railroad right-of-way: photographs of specified properties that can be readily seen from the railroad right-of-way (or other public rights-of-way adjacent to the property) and a written description of any previously

discovered archeological sites, identifying the location and type of the site (i.e., prehistoric or native American).

UP and SKOL do not foresee a likelihood that any additional information will need to be supplied in regard to adjacent properties in that such adjacent properties like the Rail line itself do not appear to be of any historical significance.

Respectfully submitted,

UNION PACIFIC RAILROAD COMPANY
1400 Douglas Street
Omaha, NE 68179

SOUTH KANSAS & OKLAHOMA
RAILROAD COMPANY, INC.
123 North Depot Street
Cherryville, KS 67335

Applicants

Mack H. Shumate, Jr. TM

MACK H. SHUMATE, JR.
Senior General Attorney
Union Pacific Railroad Company
101 North Wacker Drive, Suite 1920
Chicago, IL 60606-1718

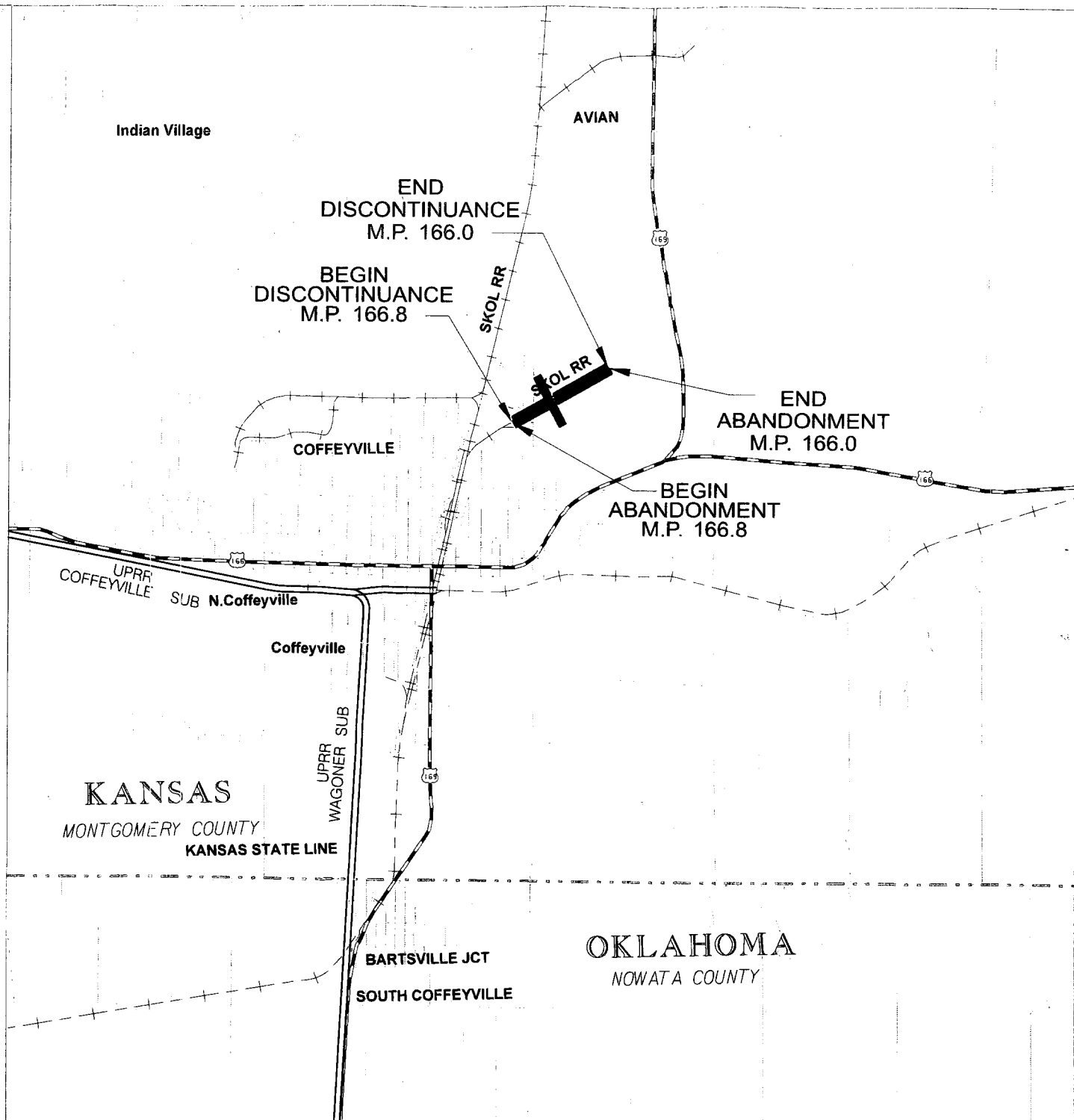
Thomas F. McFarland

THOMAS F. McFARLAND
THOMAS F. McFARLAND, P.C.
208 South LaSalle Street, Suite 1890
Chicago, IL 60604-1112
(312) 236-0204

Attorneys for Applicants

DATED: May 16, 2006

APPENDIX 1



BRIDGE NO.	BRIDGE TYPE	TOTAL LENGTH	DATE
166.5	7 SPAN TIMBER PILE TRESTLE OPEN DECK (TPTOD)	93'	1943

LEGEND

- UPRR LINES TO BE ABANDONED
- OTHER UPRR LINES
- OTHER RAILROADS
- RAILROADS (abandoned)
- PRINCIPAL HIGHWAYS
- OTHER ROADS
- 50+ YEAR OLD STRUCTURES

OLD COFFEYVILLE SUBDIVISION

MP166.8 TO MP 166.0
TOTAL OF 0.8 MILES IN MONTGOMERY COUNTY

UNION PACIFIC RAILROAD CO.
SOUTH KANSAS & OKLAHOMA RAILROAD
LESSEE

INCLUDING 50+ YEAR OLD STRUCTURES

SCALE



MILES

FILE:0:\abandonments\abxxxx-coffeyville.dgn

DATE:06-Apr-06 14:35

APPENDIX 2



April 24, 2006

State Clearinghouse (or alternate):

Kansas Department of Transportation
Dwight D. Eisenhower State Office Building
700 S.W. Harrison Street
Topeka, KS 66603-3754

Kansas Corporation Commission
1500 SW Arrowhead Road
Topeka, KS 66604-4027

State Environmental Protection Agency:

Kansas Department of Health and Environment
Curtis State Office Building
1000 SW Jackson
Topeka, KS 66612

State Coastal Zone Management Agency

(if applicable):

Not Applicable

Head of County (Planning):

Montgomery County Commissioners
217 E Myrtle, PO Box 446
County Courthouse
Independence, KS 67301-3758

Environmental Protection Agency

(regional office):

U.S. Environmental Protection Agency
Region 7
901 North 5th Street
Kansas City KS 66101

U.S. Fish and Wildlife:

U.S. Fish & Wildlife Service, Region 6
134 Union Blvd.
Lakewood, Colorado 80228

U.S. Army Corps of Engineers:

U.S. Army Engineer Division - Tulsa District
1645 S. 101st E. Ave.
Tulsa, OK 74128-4609

National Park Service:

National Park Service
William D. Shaddox
Chief, Land Resources Division
1849 "C" St., N. W., #MS3540
Washington, DC 20240

U.S. Natural Resources Conservation Service:

Natural Resource Conservation Service
760 South Broadway
Salina, KS 67401

National Geodetic Survey:

National Geodetic Survey
Edward J. McKay, Chief
Spatial Reference System Division
NOAA N/NGS2
1315 E-W Highway
Silver Spring, MD 20910-3282

State Historic Preservation Office:

Kansas State Historical Society
6425 SW Sixth Avenue
Topeka, KS 66615

Other Agencies Consulted:

Wildlife & Parks Department
900 Southwest Jackson Street, #502 N
Topeka, KS 66612

Water Resources Division
921 S. Kansas Ave., FI 2
Topeka, KS 66612

Re: Proposed Abandonment and Discontinuance of the Old Coffeyville Subdivision from Milepost 166.8 to Milepost 166.0 near Coffeyville, a distance of 0.8 miles in Montgomery County, Kansas; STB Docket No. AB-33 (Sub-No. 242X) and AB-471 (Sub-No. 7X)

Dear Sirs:

Union Pacific Railroad Company ("UP") and South Kansas & Oklahoma Railroad Company ("SKOL") plans to request authority from the Surface Transportation Board (STB) to abandon and discontinue service on the Old Coffeyville Subdivision from Milepost 166.8 to Milepost 166.0 near Coffeyville, a distance of 0.80 miles in Montgomery County, Kansas. A map of the proposed track abandonment shown in black is attached.

Law Department

UNION PACIFIC RAILROAD
1400 Douglas St., Stop 1580, Omaha, NE 68179-1580
fx. (402) 501-0127

Pursuant to the STB's regulations at 49 C.F.R. Part 1152, and the environmental regulations at 40 C.F. R. Part 1105.7, this is to request your assistance in identifying any potential effects of this action as indicated in the paragraphs below. We do not anticipate any adverse environmental impacts; however, if you identify any adverse environmental impacts, describe any actions that are proposed in order to mitigate the environmental impacts. Please provide us with a written response that can be included in an Environmental Report, which will be sent to the STB.

LOCAL AND/OR REGIONAL PLANNING AGENCIES. State whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

U. S. SOIL CONSERVATION SERVICE. State the effect of the proposed action on any prime agricultural land.

U. S. FISH AND WILDLIFE SERVICE (And State Game And Parks Commission, If Addressed). State (1) whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects, and, (2) whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

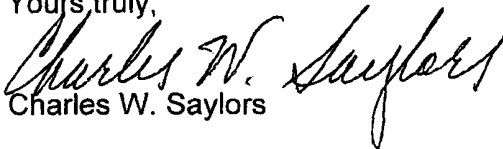
STATE WATER QUALITY OFFICIALS. State whether the proposed action is consistent with applicable Federal, State or Local water quality standards. Describe any inconsistencies.

U. S. ARMY CORPS OF ENGINEERS. State (1) whether permits under Section 404 of the Clean Water Act (33 U.S. C. § 1344) are required for the proposed action and (2) whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

U. S. ENVIRONMENTAL PROTECTION AGENCY AND STATE ENVIRONMENTAL PROTECTION (OR EQUIVALENT AGENCY). (1) Identify any potential effects on the surrounding area, (2) identify the location of hazardous waste sites and known hazardous material spills on the right-of-way and list the types of hazardous materials involved, and (3) state whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action.

Thank you for your assistance. Please send your reply to Union Pacific Railroad, Mr. Chuck Saylor, 1400 Douglas Street, Mail Stop 1580, Omaha, NE, 68179. If you need further information, please contact me at (402) 544-4861.

Yours truly,


Charles W. Saylor

Attachment

APPENDIX 3



KANSAS

DEPARTMENT OF AGRICULTURE
ADRIAN J. POLANSKY, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

May 9, 2006

UNION PACIFIC RAILROAD
MR CHUCK SAYLORS
1400 DOUGLAS ST MAIL STOP 1580
OMAHA NE 68179

RE: DWR A-95 2006.143

Dear Mr. Saylor:

This will acknowledge receipt of your letter and attachments dated April 24, 2006 regarding the Proposed Abandonment and Discontinuance of the Old Coffeyville Subdivision from Milepost 166.8 to Milepost 166.0 near Coffeyville, Montgomery County, Kansas; STB Docket No. AB-33 (Sub-No. 242X) and AB-471 (Sub-No. 7X).

Based upon the information provided, it does not appear that any authorization is required from the Chief Engineer of the Division of Water Resources under either the Kansas Water Appropriation Act, K.S.A. 82a-701 et seq., or the Obstruction in Streams Act, K.S.A. 82a-301 to 305a.

Sincerely,



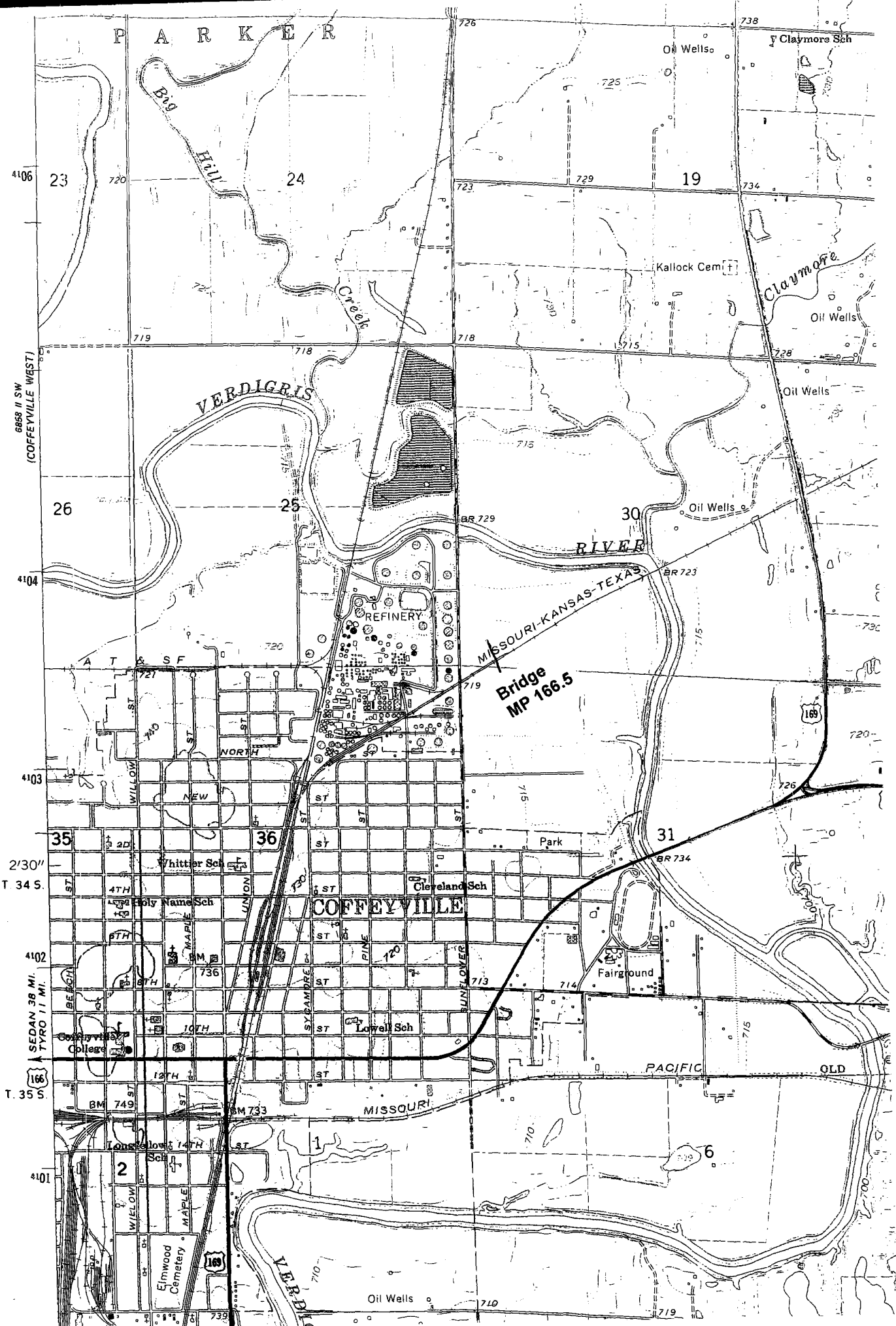
Bob Lytle
Environmental Scientist
Technical Services Section

RFL:ssc

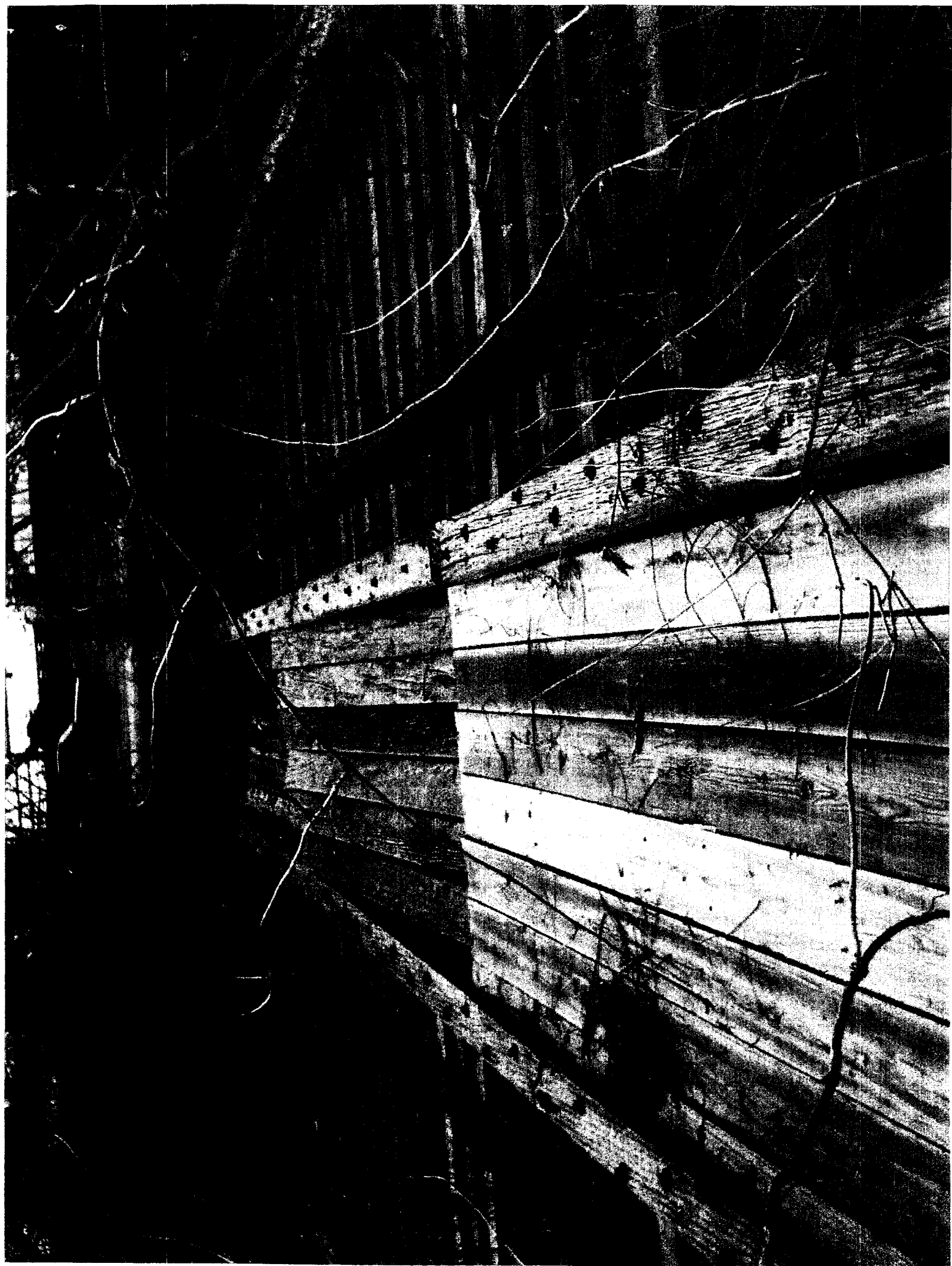
Division of Water Resources David L. Pope, Chief Engineer
109 SW 9th ST., 2nd Floor Topeka, KS 66612-1283

Voice (785) 296-3717 Fax (785) 296-1176 <http://www.accesskansas.org/kda>

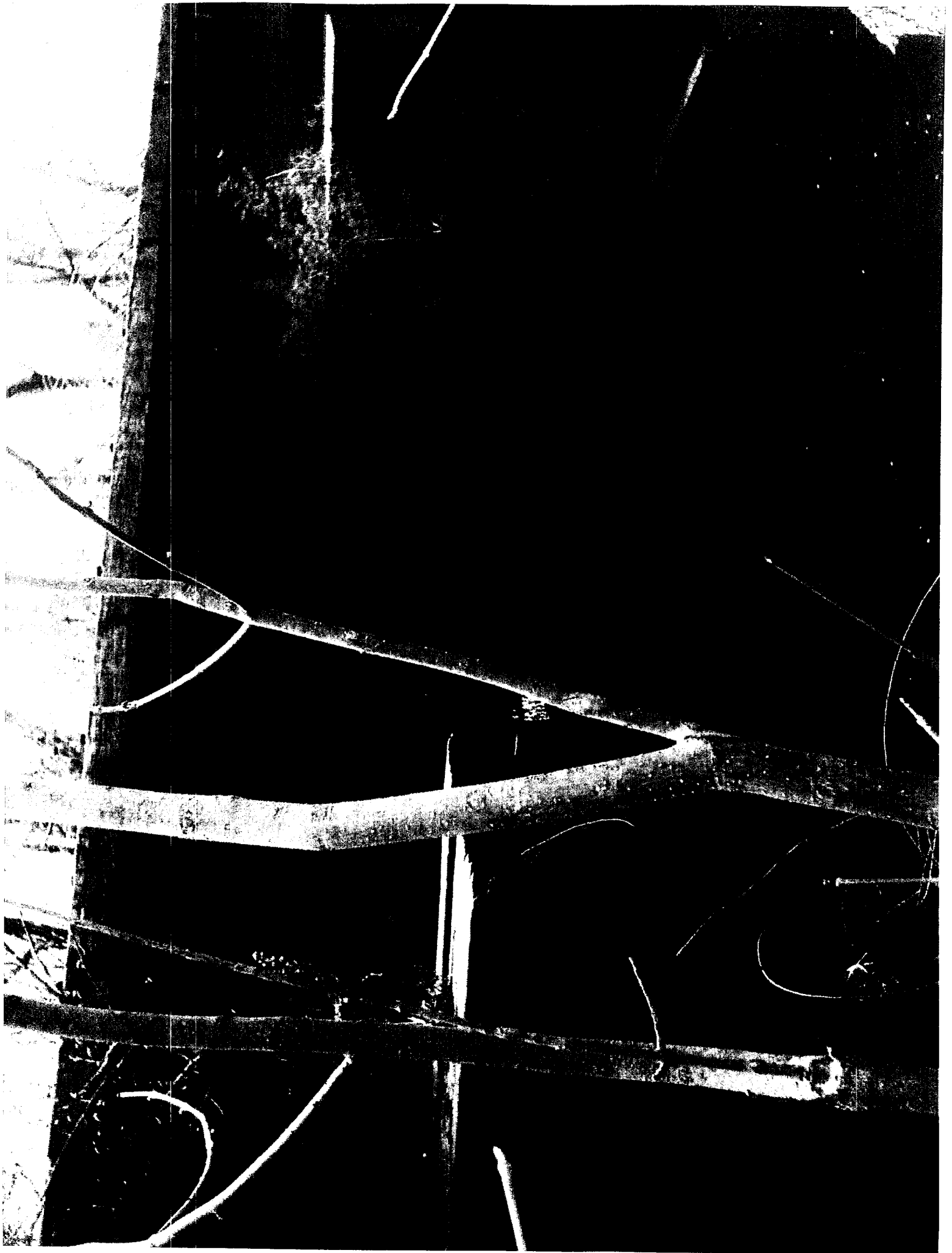
APPENDIX 4



APPENDIX 5







CERTIFICATE OF SERVICE

I certify that on May 16, 2006, I served the foregoing document, Draft Environment and Historic Report on the following by first-class, U.S. mail, postage prepaid:

State Clearinghouse (or alternate):

Kansas Department of Transportation
Dwight D. Eisenhower State Office Building
700 S.W. Harrison Street
Topeka, KS 66603-3754

Kansas Corporation Commission
1500 SW Arrowhead Road
Topeka, KS 66604-4027

State Environmental Protection Agency:

Kansas Department of Health and Environment
Curtis State Office Building
1000 SW Jackson
Topeka, KS 66612

**State Coastal Zone Management Agency
(if applicable):**

Not Applicable

Head of County (Planning):

Montgomery County Commissioners
217 E Myrtle, PO Box 446
County Courthouse
Independence, KS 67301-3758

**Environmental Protection Agency
(regional office):**

U.S. Environmental Protection Agency
Region 7
901 North 5th Street
Kansas City, KS 66101

U.S. Fish and Wildlife:

U.S. Fish & Wildlife Service, Region 6
134 Union Blvd.
Lakewood, CO 80228

U.S. Army Corps of Engineers:

U.S. Army Engineer Division - Tulsa District
1645 S. 101st E. Ave.
Tulsa, OK 74128-4609

National Park Service:

National Park Service
William D. Shaddox
Chief, Land Resources Division
1849 "C" St., N.W., #MS3540
Washington, DC 20240

U.S. Natural Resources Conservation Service:

Natural Resource Conservation Service
760 South Broadway
Salina, KS 67401

National Geodetic Survey:

National Geodetic Survey
Edward J. McKay, Chief
Spatial Reference System Division
NOAA N/NGS2
1315 E-W Highway
Silver Springs, MD 20910-3282

State Historic Preservation Office:

Kansas State Historical Society
6425 SW Sixth Avenue
Topeka, KS 66615

Other Agencies Consulted:

Wildlife & Parks Department
900 Southwest Jackson Street, #502N
Topeka, KS 66612

Water Resources Division
921 S. Kansas Ave., Fl. 2
Topeka, KS 66612

Thomas F. McFarland

Thomas F. McFarland

APPENDIX 5



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Kansas Ecological Services Office
2609 Anderson Avenue
Manhattan, Kansas 66502-6172



May 25, 2006

Chuck Saylor
Union Pacific Railroad
1400 Douglas Street, Mail Stop 1580
Omaha, NE 68179

RE: STB Docket No. AB-33 and AB-471

FWS Tracking # 2006-P-0325

Dear Mr. Saylor:

This is in response to your April 24, 2006 notice requesting comment on the proposed abandonment of the Old Coffeyville Substation from Milepost 166.8 to Milepost 166.0.

Based on review of the proposed action and the land uses on site, I conclude that no threatened and endangered species are likely to be present in the project area.

Under the Migratory Bird Treaty Act (MBTA), construction activities in prairies, wetlands, stream and woodland habitats that would otherwise result in the taking of migratory birds, eggs, young, and/or active nests should be avoided. Although the provisions of MBTA are applicable year-round, most migratory bird nesting activity in Kansas occurs during the period of April 1 to July 15, although some migratory birds are known to nest outside this period. If the proposed construction project may result in the take of nesting migratory birds, the USFWS recommends a field survey during the nesting season of the affected habitats and structures to determine the presence of active nests. Our office should be contacted immediately for further guidance if a field survey identifies the existence of one or more active bird nests that can not be avoided temporally or spatially by the planned construction activities.

If a permit from the Corps of Engineers is required, the USFWS will be given the opportunity to review the public notice on the proposed action and provide additional comments at that time. Section 404 guidelines require the sequence of avoidance of impacts, minimization of impacts and compensation for unavoidable impacts. When we review the public notice we will request information on alternatives considered, how the project avoided and minimized impacts to aquatic ecosystems, and the compensatory mitigation proposal, if one is required by the Corps.

Thank you for this opportunity to comment on the proposal.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael J. LeValley". The signature is fluid and cursive, with the first name "Michael" and last name "LeValley" clearly distinguishable.

Michael J. LeValley
Field Supervisor

cc: KDWP, Pratt, KS (Environmental Services)

Thomas F. McFarland, P.C., 208 S. LaSalle Street, Suite 1890, Chicago, IL
60604-1112



DEPARTMENT OF THE ARMY
KANSAS CITY DISTRICT, CORPS OF ENGINEERS
STATE REGULATORY PROGRAM OFFICE - KANSAS
2710 N.E. SHADY CREEK ACCESS ROAD
EL DORADO, KANSAS 67042

RECEIVED

REPLY TO
ATTENTION OF:

May 31, 2006

JUL 07 2006

Kansas State Regulatory Office
(200601467)
(Montgomery, KS, NPR)

McFarland, P.C.

Mr. Charles Saylor
Union Pacific Railroad
1400 Douglas Street
Mail Stop 1580
Omaha, Nebraska 68179

Dear Mr. Saylor:

This is in response to your letter received on May 4, 2006 requesting a Department of the Army (DA) permit determination concerning the Union Pacific Railroad Company's proposed abandonment and discontinuance of the Old Coffeyville Subdivision from Milepost 166.8 to Milepost 166.0. The project is located near Coffeyville in Sections 30 and 31, Township 34 south, Range 17 east, and in Section 36, Township 34 south, Range 16 east, all in Montgomery County, Kansas.

The Corps of Engineers has jurisdiction over all waters of the United States. Discharges of dredged or fill material in waters of the United States, including wetlands, require prior authorization from the Corps under Section 404 of the Clean Water Act (33 USC 1344). The implementing regulation for this Act is found at 33 CFR 320-330.

This letter contains an approved jurisdictional determination for your proposed project. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 C.F.R. Part 331. Enclosed you will find a Notification of Administrative Appeal Options and Process (NAP) and Request for Appeal (RFA) form. If you request to appeal this (determination/decision) you must submit a completed RFA form to the Northwestern Division Office at the following address:

Mores V. Bergman, Appeals Review Officer
U.S. Army Corps of Engineers
Northwestern Division (ATTN: CENWD-CM-OR)
12565 West Center Road
Omaha, NE 68144-3869
Voice: 402-697-2533 - FAX: 402-697-2538

In order for an RFA to be accepted by the Corps, the Corps must determine that it is completed, that it meets the criteria for appeal under 33 C.F.R. Part 331.5 , and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by July 30, 2006.

It is not necessary to submit an RFA form to the Division Office if you do not object to the determination in this letter.

In the event that you disagree with an approved jurisdictional determination and you have new information not considered in the original determination, you may request reconsideration of that determination by the Corps District prior to initiating an appeal. To request this reconsideration based upon new information, you must submit the completed RFA form and the new information to the District Office so that it is received within 60 days of the date of the NAP. Send approved jurisdictional determination reconsideration requests to:

District Commander
ATTN: Joseph S. Hughes
Chief, Regulatory Branch
U.S. Army Engineer District, Kansas City
601 East 12th Street, Room 706
Kansas City, MO 64106-2896
Voice: 816-389-3990 – FAX: 816-389-2032

We have reviewed the information furnished and have determined that the proposed activity does not appear to involve the discharge of dredged or fill material in waters of the United States. Therefore, Department of the Army permit authorization is not required. However, should any of the proposed activities require work within the Verdigris River, you should contact this office. Other Federal, state and/or local permits may be required, however, and you should verify this yourself.

Ms. Sarah M. Reznicek, Regulatory Specialist, reviewed the information furnished and made this determination. If you have any questions concerning this matter, please feel free to contact Ms. Reznicek at 316-322-8247 (FAX 316-322-8259).

Enclosures

Copies Furnished (w/out enclosures):

Environmental Protection Agency, Watershed Planning and Implementation Branch

Kansas Department of Wildlife and Parks

Kansas Department of Agriculture

Mr. Thomas McFarland
Thomas McFarland, P.C.
208 South LaSalle Street – Suite 1890
Chicago, IL 60604-1112

RECEIVED

KANSAS

McFarland, P.C.

DEPARTMENT OF AGRICULTURE
ADRIAN J. POLANSKY, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

May 31, 2006

THOMAS F MCFARLAND PC
208 S LASALLE ST STE 1890
CHICAGO IL 60604-1112

RE: DWR A-95 2006.167

Dear Mr. McFarland:

This will acknowledge receipt of your letter and attachments dated May 16, 2006 and the Draft Environmental and Historic Report pertaining to the Abandonment and Discontinuance in Montgomery County, Kansas, Docket Nos. AB-33 and AB-471. The following is brought to your attention:

On page 10, my letter of May 9, 2006 is cited as Appendix 3. It is noted that the Kansas Department of Health and Environment is the State Agency responsible for water quality standards. It is recommended to identify that the KDHE has not responded to your Appendix 2 letter if such is the case. My letter may be better used to address (9) (ii) dealing with floodplains, stream obstructions and water use permits.

Sincerely,



Bob Lytle
Environmental Scientist
Technical Services Section

RFL:ssc
pc: Topeka Field Office

APPENDIX 6

VERIFICATION

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

THOMAS F. McFARLAND, being duly sworn, states that he has read all statements in the foregoing Verified Notice of Exemption under 49 C.F.R. § 1152.50; and that all of such statements are true and correct.



Thomas F. McFarland

THOMAS F. McFARLAND

SUBSCRIBED and SWORN
to before me this 7th day
of June, 2006.

Kathleen Lenhan

Notary Public